

## **ORDINANCE NO. 1480**

**AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REZONING 0.27 ACRES LEGALLY DESCRIBED AS LOT 4, BLOCK 2, BENBROOK ESTATES ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM "B" ONE-FAMILY DISTRICT TO "CR" MULTIPLE-FAMILY RESTRICTED DISTRICT, AND BY AMENDING THE OFFICIAL ZONING USE MAP TO REFLECT THE CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook is a home rule city acting under its own charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety and general welfare of the community and protecting and preserving places and areas of historical, cultural and architectural importance and significance; and

**WHEREAS**, the property owner has initiated an application to rezone certain property in accordance with the Future Land Use Map of the Comprehensive Plan; and

**WHEREAS**, a public hearing was held on the zone change, Case No. Z-22-01, by the Planning and Zoning Commission of the City of Benbrook on the 12<sup>th</sup> day of May 2022 and by the City Council on the 16<sup>th</sup> day of June 2022; and

**WHEREAS**, all requirements of law dealing with other property owners, publications and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

**WHEREAS**, the City Council has determined that it is advisable and in the public interest to authorize the requested zoning change.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:**

### **SECTION 1**

That Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended to rezone 0.27 acres legally described as Lot 4, Block 2, Benbrook Estates Addition, Tarrant County, Benbrook, Texas from "B" One-Family District to "CR" Multiple-Family Restricted District.

## **SECTION 2 MAP CHANGES**

The City Planner is hereby directed to amend the official zoning map to reflect the changes approved by this ordinance.

## **SECTION 3 CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 4 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 5 PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 6 SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7**  
**PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 8**  
**ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

**SECTION 9**  
**PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 10**  
**EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and it is so ordained

PASSED AND APPROVED this 16<sup>th</sup> day of June 2022.

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Jason Ward, Mayor

ATTESTED BY:

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Joanna King, City Secretary